

**DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
REDUCING CROW DAMAGE THROUGH AN
INTEGRATED WILDLIFE DAMAGE MANAGEMENT PROGRAM IN THE COMMONWEALTH OF
VIRGINIA**

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act (NEPA), individual wildlife damage management actions are categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment from WS' planned and proposed program would occur, an environmental assessment (EA) was prepared. The EA documents the need for crow damage management in the Commonwealth of Virginia and assessed potential impacts of various alternatives for responding to damage problems. WS' proposed action is to implement an Integrated Wildlife Damage Management (IWDM) program on all land classes in Virginia. Comments from the public involvement process were reviewed for substantial issues and alternatives which were considered in developing this decision.

The EA analyzes the potential environmental and social effects for resolving crow damage related to the protection of agricultural and natural resources, property, and threats to public health and safety on private and public lands in Virginia. Virginia has an area of 26,090,880 acres; in Fiscal Year (FY) 99, Virginia WS had agreements to conduct crow damage management on about 100 acres or less than 0.00004% of the land area (Management Information System (MIS) 1999).

WS is the Federal program authorized by law to reduce damage caused by wildlife (Animal Damage Control Act of March 2, 1931, as amended (46 Stat. 1486; 7 U.S.C. 426-426c) and the Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, Public Law 100-102, Dec. 27, 1987. Stat. 1329-1331 (7 U.S.C. 426c). Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife, and is recognized as an integral part of wildlife management (The Wildlife Society 1992). WS uses an Integrated Wildlife Damage Management (IWDM) approach, commonly known as Integrated Pest Management (WS Directive 2.105) in which a combination of methods may be used or recommended to reduce damage. WS wildlife damage management is not based on punishing offending animals but as one means of reducing damage and is used as part of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). Resource management agencies and individuals have requested WS to conduct crow damage management to protect agricultural and natural resources, property, and wildlife, including threatened and endangered (T&E) species in Virginia. Resource owners have requested WS conduct crow damage management to protect human health and safety. All Virginia WS wildlife damage management is in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act of 1973.

Virginia WS works and consults with the Virginia Department of Game and Inland Fisheries (VDGIF), Virginia Department of Agriculture and Consumer Services (VDACS), and U. S. D. I., Fish and Wildlife Service (USFWS) to reduce wildlife damage. The VDGIF has the responsibility to manage all wildlife in Virginia, including federally listed T&E species and migratory birds, which is a joint responsibility with the USFWS. Memoranda of Understanding (MOUs) signed between APHIS-WS and the VDGIF and VDACS clearly outline the responsibility, technical expertise and coordination between agencies. A Multi-agency Team with representatives and consultants from each of the aforementioned agencies participated to assess the impacts of WS crow damage management in Virginia. The VDGIF, VDACS and USFWS worked with Virginia WS to determine whether the proposed action is in compliance with relevant management plans, laws,

6. The proposed action would not establish a precedent for any future action with significant effects.
7. No significant cumulative effects were identified through this assessment. The number of crows taken by WS, when added to the total known take, falls within a low magnitude of harvest.
8. The proposed activities would not affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, nor would they likely cause any loss or destruction of significant scientific, cultural, or historical resources.
9. An informal consultation with the USFWS confirmed that the proposed action would not likely adversely affect any T&E species.
10. The proposed action would be in compliance with all federal, state, and local laws imposed for the protection of the environment.

Decision and Rationale

I have carefully reviewed the EA and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 1 (*Continue the Current Federal Crow Damage Management Program / Integrated Wildlife Damage Management - No Action & Proposed Alternative* in the EA) and applying the associated mitigation and monitoring measures discussed in Chapter 3 of the EA. Alternative 1 would provide the greatest effectiveness and selectivity of methods available, the best cost-effectiveness, and has the potential to even further reduce the current low level of risk to the public, pets, and T&E species. WS will continue to use currently authorized wildlife damage management methods in compliance with all the applicable mitigation measures listed in Chapter 3 of the EA. I have also adopted the Pre-Decisional EA "*Management of crow damage in the Commonwealth of Virginia*" with the Decision and Appendix A (Supplement) as the final. The one comment identified from public involvement was minor and did not change the analysis.

For additional information regarding this decision, please contact Martin Lowney, APHIS-WS, P. O. Box 130, Moseley, Virginia 23120, telephone (804) 739-7739.

/s/

12/4/00

Gary E. Larson, Regional Director
APHIS-WS Eastern Region

Date

available to them. Currently, DRC-1339 is only available for use by WS employees. Therefore, use of these chemicals by private individuals would be illegal. Appendix B describes a number of nonlethal methods available for use by WS under this alternative.

- **Alternative 3 - Technical Assistance Only.**

This alternative would not allow for WS operational CDM in Virginia. WS would only provide technical assistance and make recommendations when requested. Producers, property owners, agency personnel, or others could conduct CDM using traps, shooting, Avitrol, or any nonlethal method that is legal. Avitrol could only be used by State certified pesticide applicators. Currently, DRC-1339 is only available for use by WS employees. Therefore, use of this chemical by private individuals would be illegal. Appendix B describes a number of methods that could be employed by private individuals or other agencies after receiving technical assistance advice under this alternative.

- **Alternative 4 - Lethal CDM Only By WS.**

Under this alternative, only lethal direct control services and technical assistance would be provided by WS. Technical assistance would include making recommendations to the FWS regarding the issuance of permits to resource owners to allow them to take crows by lethal methods. Requests for information regarding nonlethal management approaches would be referred to VDGIF, VDACS, FWS, local animal control agencies, or private businesses or organizations. Individuals or agencies might choose to implement WS lethal recommendations, implement nonlethal methods or other methods not recommended by WS, contract for WS direct control services, use contractual services of private businesses, use volunteer services of private organizations, or take no action. In some cases, control methods employed by others could be contrary to the intended use or in excess of what is necessary. Not all of the methods listed in Appendix B as potentially available to WS would be legally available to all other agencies or individuals.

- **Alternative 5 - No Federal WS CDM.**

This alternative would eliminate Federal involvement in CDM in Virginia. WS would not provide direct operational or technical assistance and requesters of WS services would have to conduct their own CDM without WS input. DRC-1339 is only available for use by WS employees. Therefore, use of this chemical by private individuals would be illegal. Avitrol could be used by State certified restricted-use pesticide applicators.

Finding of No Significant Impact

The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

5. Crow damage management, as conducted by WS in Virginia, is not regional or national in scope.
2. The proposed action would pose minimal risk to public health and safety.
3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected.
4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.
5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.

placed in four newspapers (Richmond Times-Dispatch, The Virginia Pilot, The Roanoke Times, and The Washington Times) with circulation throughout Virginia. There was a 30-day comment period for the public to provide input on the pre-decisional EA. Only one comment letter was received from the public after review of the pre-decisional EA. The commentor wanted to remind WS of the aesthetic value of crows. During the public involvement process of a similar crow damage management EA in 1998, only 2 comment letters were received. All comments were analyzed to identify substantial new issues, alternatives, or to redirect the program. All letters and responses are maintained in the administrative file located at the Virginia WS State Office, P.O. Box 130, Moseley, Virginia 23120.

Major Issues

The EA describes the alternatives considered and evaluated using the identified issues. The following issues were identified as important to the scope of the analysis (40 CFR 1508.25).

- Effects on crow populations
- Effects on nontarget wildlife species populations, including T&E species
- Effects on human health and safety
- Effects on aesthetics

Affected Environment

The areas of the proposed action include agricultural crops (e.g., fruit, grain, nut) where crows could cause damage. The areas could also include property in or adjacent to subdivisions and business and industrial parks where crows roost. Additionally, the public and local health officials have concerns about large quantities of fecal droppings associated with crow roosts when roosts are near human habitation.. The proposed action could also include private and public property where crows negatively impacts recovery of T&E species, primarily piping plovers.

Alternatives That Were Fully Evaluated

The following Alternatives were developed by the Multi-agency Team to respond to the issues. A detailed discussion of the effects of the Alternatives on the issues is described in the EA; below is a summary of the Alternatives.

- **Alternative 1 - Continue the Current Federal Crow Damage Management (CDM) Program /Integrated Wildlife Damage Management (No Action/Proposed Action).** The proposed action is to continue the current portion of the WS program in the Commonwealth of Virginia that responds to requests for CDM to protect agricultural crops, property, human health and safety, and natural resources in the Commonwealth of Virginia. An Integrated Wildlife Damage Management (IWDM) approach would be implemented which would allow use of any legal technique or method, used singly or in combination, to meet requestor needs for resolving conflicts with birds (Appendix B). Cooperators requesting assistance would be provided with information regarding the use of effective nonlethal and lethal techniques. Lethal methods used by WS would include shooting, trapping, DRC-1339, Avitrol, or euthanasia following live capture by trapping. Nonlethal methods used by WS may include habitat alteration, chemical repellents (e.g., methyl anthranilate, Mesurol), wire barriers and deterrents, netting, and harassment and scaring devices. In many situations, the implementation of nonlethal methods such as habitat alteration and exclusion-type barriers would be the responsibility of the requestor to implement. CDM by WS would be provided, when requested, on private property sites or public facilities where a need has been documented and upon completion of an *Agreement for Control*. All management actions would comply with appropriate federal, state, and local laws.
- **Alternative 2 - Nonlethal CDM Only By WS.**

Under this alternative, only nonlethal direct control activities and technical assistance would be provided by WS to resolve crow damage problems. Persons receiving technical assistance could still resort to lethal methods that were

regulations, policies, orders, and procedures.

Consistency

Wildlife damage management conducted in Virginia will be consistent with MOUs and policies of APHIS-WS, the VDGIF, VDACS, and USFWS, and the EA. The agencies may, at times, restrict damage management that concerns public safety or resource values.

The analyses in the EA demonstrate that Alternative 1: 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage while providing low impacts on non-target species, 4) balances the economic effects to agricultural and natural resources, and property, and 5) allows WS to meet its obligations to the VDGIF, USFWS, and other agencies or entities.

Monitoring

The Virginia WS program will annually provide to the VDGIF and USFWS the WS take of target and non-target animals to help insure the total statewide take (WS and other take) does not impact the viability of crow populations as determined by the VDGIF or USFWS. In addition, the EA will be reviewed each year to ensure that it and the analysis are sufficient.

The largest number of crows removed by Virginia WS to resolve damage problems in any year was approximately 700 crows in FY 99 (Table 1). However, the public involvement process for this EA resulted in an increased public awareness of Virginia WS damage management assistance. As a result, there is a potential for increased requests for assistance with crow damage problems and the potential requirement for the removal of a larger number of crows. It is unlikely that WS would remove 30,000 crows annually in Virginia; however, this number was chosen for the analysis to demonstrate the low impact to the crow population in Virginia.

As stated above, 700 crows were the most crows removed by Virginia WS in any previous year. For analysis purposes and to consider the scenario of additional requests, WS will conduct an analysis for removing up to 30,000 crow annually in Virginia. According to the population analysis in the pre-decisional EA, Chapter 4, pages 3 - 6, a maximum harvest of 30,000 crows annually would account for about 10% of the conservative crow harvest estimate. It is more likely that the number of crows taken by WS would range from 100 to 5,000 annually. There is wide variation in the estimated annual take because the number of requests to depopulate a crow roost is unknown and expected to vary annually.

Public Involvement

Issues related to the proposed action were initially developed by an interdisciplinary team involving the VDGIF, VDACS, and USFWS. This Multi-agency team refined the issues and identified preliminary alternatives. An invitation for public comment letter on the pre-decisional EA was sent to 413 individuals or organizations identified as interested in Virginia WS or VDGIF projects. Notice of the proposed action and invitation for public involvement on the pre-decisional EA was

Table 1. Crow Legal Hunting Harvest Estimates and Virginia WS Program Take in FY 99.

	Conservative Crow Harvest Estimate
Est. Mean Annual Harvest	260,309
WS Take FY-99	700
Private Take	unknown
Total Take	261,009
WS Take - % of Total Take	0.3%
Other Take - % of harvest	unknown
Magnitude of WS Take	low

Literature Cited:

MIS. 1999. Statewide Summary Report. Virginia Wildlife Services. USDA, APHIS, WS, State Office, P.O. Box 130, Moseley, VA 23120.

Slate, D. A., R. Owens, G. Connolly and G. Simmons. 1992. Decision making for wildlife damage management. Trans. North Am. Wildl. Nat. Res. Conf. 57:51-62.

The Wildlife Society. 1992. Conservation policies of The Wildlife Society: A stand on issues important to wildlife conservation. The Wildlife Society, Bethesda, Md. 24pp.

USDA (U.S. Department of Agriculture). Animal and Plant Health Inspection Service (APHIS), Animal Damage Control (ADC). 1997. Final Environmental Impact Statement. USDA, APHIS, ADC Operational Support Staff, 4700 River Road, Unit 87, Riverdale, MD 20737.

U.S. District Court of Utah. 1993. Civil No. 92-C-0052A, January 1993.

WS Directive 2.105. The ADC Integrated Wildlife Damage Management Program

WS Directive 2.201 ADC Decision Model